

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WISCONSIN**

KNOWLTON et al

Plaintiffs.

v.

Case No. 20 CV 01660

CITY OF WAUWATOSA et al.

Defendants.

DECLARATION OF KIMBERLEY CY. MOTLEY

The undersigned Kimberley Cy. Motley, under penalty of perjury, states:

1. I am an attorney for the plaintiffs in the above captioned case, along with my co-counsel, Attorney Kathryn Knowlton and Attorney E. Milo Schwab.
2. The purpose of creating ECF #69 -6 was to itemize costs for the April 23, 2021 deposition in which Dennis McBride failed to appear.
3. Upon Deponent-Defendant's failure to appear, Plaintiffs properly contacted the Court on April 23, 2021, to seek directives.
4. The Court scheduled a "Status Conference" for that same day, April 23, 2021 at 1pm, which was hosted by the Court and conducted via ZOOM.
5. In the Affidavit presented in ECF #69 -6 does not contain any false statement, rather I misspoke in that the videographer did not "record" the Court's status conference on April 23, 2021.

6. The videographer was retained on April 23, 2021 from (approximately) 8:30a.m. until 3:00p.m. specifically for the purpose of recording the deposition of Dennis McBride which was scheduled to take place on that day.

7. The videographer was physically present at the office location of the scheduled deposition and remained present to be available during the status conference held with the Court on that same day (April 23, 2021), and in the physical company of the attorneys participating in the status conference.

8. To date, the Attorneys for the Defendants have never attempted to confer with Plaintiffs as it relates to the videographer.

9. In ECF #111 the Court's order acknowledged Plaintiffs' affidavit and that Plaintiffs did not submit an invoice for the videographer.

10. In ECF #111 the Court "den(ied) the videographer costs entirely" and as such Plaintiffs were not awarded any fees for the videographer.

CERTIFICATION

I, Kimberley Cy. Motley, hereby swear under penalty of perjury that this Declaration and the information contained herein is truthful and accurate to the best of my knowledge, information, and belief. Under penalties of perjury, and pursuant to 18 USC 1621 and 1623, I declare that the above facts and statements are true and correct to the best of my knowledge:

December 23, 2021

ss://Kimberley Cy. Motley, Esq.
Kimberley Cy. Motley, SBN: 1047193